

REMARKS

Reconsideration is respectfully requested. Claims 1-10 and 13-26 are now present in the application. Claim 22 is amended to correct a typographical error such that the claim depends on claim 7, where the appropriate antecedent basis is found for the claim language, rather than depending on claim 1. No other claims are amended.

Claim 2 is objected to. The Examiner states that a synchronization portion and a data portion have no support in the specification. Applicants respectfully traverse.

Considering the specification at page 5, line 22, the following is set forth (emphasis added herein to draw particular attention to certain phrases):

In operation, the toner 10 generates a tone packet that includes various tone phases relative to a synchronization phase.

Referring now to FIG. 2, a diagram of the configuration of a tone packet as employed in a preferred embodiment, plural quanta are provided as follows, each suitably comprising 10 milliseconds in a particular embodiment. First, two sync quanta, Sync1 and Sync2, are provided to accommodate synchronization of the probe to the tone packet. Sync1 suitably comprise modulation of the 455Khz carrier at 2Khz and presuming an 8 conductor (4 pair) cable, involves driving one conductor pair at one polarity, 2 other pairs with the opposite polarity and the 4th pair is allowed to float (unbalanced). Sync2 floats conductor 2, drives conductors 3 and 4 positive and 5 and 6 negative.

Next, a Version quantum is provided which can be employed to indicate a

particular feature. For example, in the preferred embodiment, the presence of any energy during the Version quanta indicates a wiremap operation is enabled and wiremap quantas (discussed hereinbelow) will be present. After Version, a Song# quantum indicates which "song" the probe is to employ for example when producing an audible alert for the technician indicating signal detection. This feature can be advantageous when more than one person is working at locating a cable at the same time in the same area, so that a first technician's "tone" is not detected by a second technician in error, leading the second technician to mis-identify the cable, thinking it is the second technician's tone that has been applied to the cable.

It is respectfully submitted that this language above, together with FIG. 2 which the text is referring to, more than adequately supports the claim language of synchronization portion and data portion.

Claims 22 and 23 rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner notes that "said carrier signal" has insufficient antecedent basis. Claim 22 had a typographical error, since it was intended to depend on claim 7, rather than claim 1, since claim 7 has the carrier signal recited therein that provides the antecedent basis for claim 22.

The drawings are objected to as allegedly not showing a synchronization portion and a data portion. Applicant respectfully traverses.

FIG. 2 shows these claimed data portions. Sync 1 and Sync2 show examples of synchronization data portion. Version and Song#, for example, show examples of data portions. It is respectfully requested that the objection to the drawings be withdrawn

Claims 1, 8-10, 13, 18 and 24 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Houck (US 7127041). Applicants respectfully traverse.

Claims 1 and 13 recite:

1. (original) A toner/probe system, comprising:
a toner adapted to generate and supply a tone packet to a cable under test; and
a probe adapted to detect said tone packet as propagated via the cable under test.

13. (original) A method for locating a cable, comprising the steps of:
applying a tone packet to a cable at one position thereof;
and
employing a sensor responsive to said tone packet to locate said cable at another position thereof.

Houck does not teach the supply of a tone packet to a cable under test nor applying a tone packet to a cable under test. Houck applies a simulated voice message speaking the one or two numerals of the ID number assigned to the sender (see column 4, lines 19-21). This signal is supplied to the cable under test as an analog signal (column 4, line 39-40 "converts this to

analog and delivers a single-ended output signal to two output cables").

The audio signal of Houck does not meet the language of tone packet.

Claims 2-7, 14-17, 19-23 and 25-26 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Houck and further in view of Ashlock et al (US 4393491).

Applicants respectfully traverse.

Houck is, as noted above, unable to teach the tone packet concept as recited in the claims. Further, the "plural portions" that the office action refers to as being shown in Houck and equating those to the language of "wherein said data portion comprises plural portions providing different testing modes" are not the same as what is claimed, nor are they related. The different testing modes of Houck are different modes for different test generators. They are not plural testing modes within a data packet. They are completely different test patterns sent by different test pattern generators. The concept is so far off of what applicant is claiming that it cannot be related.

With respect to the "wire-mapping" mentioned in Houck, the disclosure of such concept within Houck is so vague as to be unable to anticipate what applicant is claiming.

Ashlock et al is related to testing complex telephone switching circuits. One would not look to that document when

considering the device of Houck. Further, combining Houck with Ashlock would not provide the missing concept of tone packets as in applicants' claims.

Still further, Ashlock's mention of 1.544 megabits is not a carrier frequency and is unrelated to the concept of a carrier frequency. 1.544 megabits as mentioned in Ashlock is merely the data transfer rate. It has nothing to do with a carrier frequency. Ashlock does not disclose "a carrier signal for sampling etc. e.g. use of 1.544 megabits".

It is respectfully and accordingly submitted that the combination would not produce applicants' claims, especially in view of the lack of teaching of tone packets and carrier frequency as part of a tone packet as claimed by applicants.

There is nothing in Houck or Ashlock that approaches the concept of a tone packet.

The reference to Ashlock as teaching a signal portion of tone generator and data portion of tone generator has nothing to do with applicants' claimed tone packet having synchronization portion and data portion. The concepts are unrelated. A signal or data portion of a tone generator is not the same as a synchronization portion of a tone packet or a data portion of a tone packet.

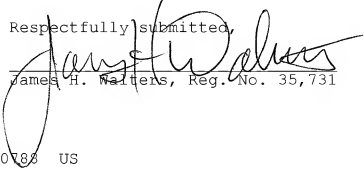
It is respectfully submitted, that in view of the above, claims 1-10 and 13-26 are not anticipated by, nor obvious in view

of Houck whether considered alone or when combined with Ashlock et al.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicants' attorney at 503-224-0115 if there are any questions.

It is believed that no further fees are due with this filing or that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending, please charge deposit account 503036. If fee refund is owed, please refund to deposit account 503036.

Respectfully submitted,


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